

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

APR 25 2006

Case No. 5538
Date Filed 4/19/06
Hearing Date _____
Receipt _____
Fee \$450

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5538 MAP 40 TYPE Variance

ELECTION DISTRICT 03 LOCATION James Ave. and Spring St., Bel Air 21014

BY Scott Holley, P.O. Box 151, Whiteford 21160

Appealed because a variance pursuant to Sec. 267-36(B) Table V of the Harford

County Code to permit a dwelling to encroach the 35' front yard setback (20' setback

Proposed) in the R2 District, requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Scott Holley Phone Number 410-893-7015
Address P.O. Box 151 Whiteford, 21160
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property James Ave. & Spring St.
Bel Air, Md. 21014

Subdivision N/A Lot Number 33077

Acreage/Lot Size .76 Election District 03 Zoning R2

Tax Map No. 90 Grid No. 4E Parcel 137 Water/Sewer: Private ☐ Public ☒

List ALL structures on property and current use: Vacant lot

Estimated time required to present case: 15 min

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? N/A No ☐

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☒ No ☐

Request

To reduce set back on side of corner lot
from 35' to 20' to allow room for house

Justification

1. Unusual lot due to set back requirements from stream
2. In-law situation dictates square footage to include room for invalid mother (reduced size of house twice to try & fit set backs)
3. With corner lot - adverse set back requirements (Spring St. is a dead end just created for 2 lots)

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

4. Own to James St. which is adjoining parcel - Spring St. paper road that I quit claimed to Harford Co. 2005 for 2 sewer purposes

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

June 8, 2006

STAFF REPORT

BOARD OF APPEALS CASE NO. 5538

APPLICANT/OWNER: Scott Holley
P.O. Box 151, Whiteford, Maryland 21160

REPRESENTATIVE: Applicant

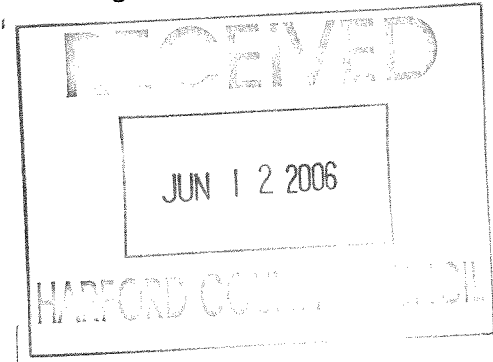
LOCATION: James Avenue and Spring Street, Bel Air, Maryland 21014
Tax Map: 40 / Grid: 4F / Parcel: 137
Election District: Three (3)

ACREAGE: 0.76 of an acre

ZONING: R2/Urban Residential District

DATE FILED: April 19, 2006

HEARING DATE: June 21, 2006



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"To reduce setback on side of corner lot from 35 feet to 20 feet to allow room for house."

Justification:

- "1. Unusual lot due to setback requirement form stream.
2. In-law situation dictates square footage to include room for invalid mother (reduced size of house twice to try and fit the setbacks).
3. With corner lot - adverse setback requirements (Spring Street is a dead end just created for 2 lots). *Preserving Harford's past; promoting Harford's future* ~.

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

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Scott Holley

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4. Own 6 James Street which is adjoining parcel – Spring Street paper road that I quit claimed to Harford County 2005 for sewer purposes.”

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-36(B), Table V of the Harford County Code to permit a dwelling to encroach the 35 foot front yard setback (20 foot setback proposed) in the R2/Urban Residential District.

Enclosed with the report is a copy of Section 267-36(B), Table V of the Harford County Code (Attachment 1).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located north of the Town of Bel Air and south of the US Route 1 by-pass. The parcel is located off of the west side of Rock Spring Avenue (MD 924), on the north side of James Street. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope. The predominant land use designations in the immediate area are Low, Medium and High Intensities. The Natural Features Map reflects Parks and stream systems. The subject property is designated as Medium Intensity which is defined by the 2004 Master Plan as:

***Medium Intensity** - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses conform to the overall intent of the 2004 Master Plan. Residential uses include single family dwellings, townhouses, apartments and condominiums. There are institutional uses such as churches, memorial gardens and the Detention Center. Other land uses include professional and personal services and retail. Enclosed with the report are an aerial photograph and a copy of the topography map (Attachments 6 and 7).

The subject property is square in shape and fronts on the west side of James Avenue. The property also has frontage on Spring Street. At this time Spring Street only serves one dwelling. The Applicant's lot is approximately 0.76 of an acre in size. The topography of the lot is level to

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Scott Holley

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gently sloping. Approximately half of the lot is wooded and contains non-tidal wetlands. The property to the east side of Spring Street is improved with a large building converted to apartments and is owned by the Applicant. Site photographs along with an enlargement of the aerial photograph are enclosed with the report (Attachments 8 and 9).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classifications are R2 and R3/Urban Residential Districts. South of the Route 1 By-Pass and to the east of MD 924 is an area of CI/Commercial Industrial Zoning. To the north side of the By-Pass there are areas of B2/Community Business District. The subject property is zoned R2/Urban Residential District as shown on the enclosed zoning map (Attachment 10).

SUMMARY:

The Applicant is requesting a variance pursuant to Section 267-36(B), Table V of the Harford County Code to permit a dwelling to encroach the 35 foot front yard setback (20 foot setback proposed) in the R2/Urban Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The lot contains a significant amount of wetlands which, along with the requirement for two front yard setbacks, severely reduces the buildable area of the lot. Spring Street will only provide access to a small amount of lots in the future. The requested variance will not adversely impact traffic on Spring Street.

The Town of Bel Air reviewed the request and state in a letter dated April 28, 2006 that they have no comments (Attachment 11).

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The applicant obtains all necessary permits and inspections for the construction of the dwelling.
2. The Applicant shall provide landscaping along the Spring Street side of the property to reduce visual impacts. The Applicant shall submit a landscaping plan to the Department for review and approval prior to the issuance of a permit.

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Scott Holley

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Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review

DJS/ASM/jf



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning